

A SAMPLE OF SPACE LAW OPINION

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The author's survey of leading space law experts indicated that delimitation of air space is increasingly thought to be unimportant, that regulation of rockets and space craft by a convention establishing a central agency is favored, that a system of absolute liability will probably be adopted, and that an insurance system should be established for compensation of damage caused by objects launched into outer space. The survey also revealed other space law problems which require further examination and thought.

This article presents the findings of a survey among leading space lawyers conducted by the author for the purpose of ascertaining current trends in space law. The survey was based upon a questionnaire which sought answers to problems in four areas: the necessity of delimiting air space, international regulation of rockets and space craft, liability for damage caused by objects launched into outer space, and assistance to and return of astronauts and space vehicles. The compilation of the questionnaire is appended.

I. THE SURVEY

In order to ascertain the opinions of leading thinkers in the space law field, the author prepared a questionnaire and sent it to persons who had either participated significantly in the meetings of the legal subcommittee of the United Nations Committee for the Peaceful Uses of Outer Space or who had made major contributions to the formation of space law in writings or in speech. Twenty-two persons participated in the survey by completing and returning the questionnaire or by permitting their answers to be recorded in a personal interview with the author. As a field of law, space law is yet in its embryonic stage of development, and the number seriously working in the field is easily identifiable. Therefore, the author concluded that the twenty-two participants were sufficient to produce a meaningful sample of space law opinion.

In order to provide a basis for comparison and projection of trends, the responses of the participants were divided into four groups. The *space power group* consisted of eight participants from the states which have launched satellites. Six members of the group are from the United States and two are from France. Two of the Americans pioneered in recognizing the need for space law, but all members of

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the group are not equally active in the field. Because of their positions in government, universities, and the judiciary, their opinions should be influential in the formation of national policies on the regulation of rockets and space vehicles. The *non-space power group* consisted of the remaining fourteen participants. The group includes sixteen influential space law experts from Canada, United Kingdom, Germany, Netherlands, Belgium, Yugoslavia, Argentina, and Poland. The *U.N. Committee members group* consisted of four long-time and influential members of the legal subcommittee of the United Nations Committee for the Peaceful Uses of Outer Space. Both space power and non-space power participants are represented within the group. One member of the group is from the communist block, the other three are from the west. The *non-U.N. Committee member group* included the remaining eighteen participants who are not members of the Committee. They are from nine states representing both sides of the ideological fence.

Before analyzing the responses to the questionnaire, two caveats are in order. Naturally one participant's opinion may have a greater impact on the future development of space law than that of another. Therefore, the results of the survey have an inherently limited utility for projecting future trends. Furthermore, in some instances the interest of the participant was limited to only a few of the areas covered by the questionnaire. In order to avoid vague answers and insure high standards, the author suggested that participants not answer questions which fell beyond their interests. For this reason some questions were answered by less than the total number of participants.

II. PROJECTION OF FUTURE TRENDS BASED ON THE ANSWERS TO THE QUESTIONNAIRE

A. *Delimitation of Air Space*

Answers to the question about the necessity of a delimitation of air space express a clear pattern. Scholars who have been interested in space law for more than a decade expressed early concern with this problem, and they still do. But the responses to the questionnaire indicate that the trend of current opinion no longer favors a demarcation of air space. This change is particularly evident in the answers from the non-space power group. Apparently they would prefer access to outer space when their states' technology increases their capability of reaching it. U.N. Committee members also deny the importance of a delimitation. Their opinion is confirmed by the absence of the sub-

ject from the U.N. Declaration of Legal Principles.¹ Since the formation of space law is now heavily concentrated in the U.N. Committee, the attitudes of the U.N. Committee members have great significance.

Since the trend is away from a delimitation of outer space, a proposed altitude limit tends to be of little importance.

B. *International Regulation*

All participants stressed the need for international regulation of rockets and space craft. The non-space power group felt the need more urgently than the space power group. This difference in attitude evidently indicates the non-space powers' desire to protect their future potentialities in space. A sense of urgency also existed among a substantial part of the U.N. Committee members who participated in the survey.

The problem of legally defining rockets and space craft did not excite much interest among the participants. Most, however, could agree to a definition of rockets and space craft as "vehicles designed for travel in outer space which are not essentially dependent on aerodynamic lift."

The great majority of participants favored the adoption of a new general treaty for regulation of rockets and spacecraft. Such a treaty would establish a space agency related to the United Nations. This idea found strong support among space power participants, almost uniform support among U.N. Committee members, and strong support among non-members. The survey clearly indicates that current opinion favors regulation by a treaty with administration by a central body.

The survey also indicated that military and non-military rockets and spacecraft should both be included within a general convention. The reason stated for treating the two kinds of vehicles alike is that it is too difficult to draw a sharp distinction between military and non-military vehicles. Furthermore, as pointed out by many participants, outer space is reserved for peaceful purposes.

The participants unanimously favored the establishment of a "right of innocent passage" by foreign rockets and spacecraft through air space during take-off, landing, emergency and other occasions. But many believed that the right should be conditioned upon observation of proper regard for sovereign rights and flight safety. Participants disagreed on the definition of "innocent passage" as well as on the urgency of establishing such a right.

¹ U.N. Gen. Ass. Res. No. 1962 (XVIII) (1963).

C. *International Legal Regime Governing Liability for Damage Caused by Rockets and Spacecraft*

Should a system of liability be created for outer space which is separate from the systems presently governing air space and the earth's surface? The space lawyers who favored a delimitation of outer space also tended to favor a distinct liability system for outer space. A large majority of space power participants rejected such a distinction. A strong majority of the non-space powers opposed multiple systems of liability. Their position correlates with their stand against delimitation of outer space. A large majority of both the U.N. Committee members and non-members were against multiple liability systems.

The participants were asked to what extent they believed the liability system for outer space should be made uniform with present air law conventions. The question required consideration of the differences among present conventions. The Warsaw Convention is based on presumed liability;² the Rome Convention on surface damage is based on absolute liability;³ and the draft Aerial Collisions Convention is based on a mixed system of fault and presumed liability.⁴ Among the participants, uniformity with the Rome Convention was most frequently in issue. The space power group wanted as much uniformity with air law conventions as possible and considered the Rome Convention particularly suitable. The non-space power group did not believe that uniformity with air law conventions was especially important. This view corresponds with their strong support for a new convention establishing an independent space agency related to the United Nations. U.N. Committee members also denied the importance of making the liability system for outer space uniform with air law conventions. The Committee members' opinions are significant because the Committee is drafting the treaties on regulation of rockets and space vehicles. A large majority of non-members favored the use of air law conventions as guides and particularly the absolute liability system of the Rome Convention.⁵

All groups agreed that a liability convention should be based on tort, although two participants believed that a contractual basis for

² Warsaw Convention, Oct. 12, 1929, 49 Stat. 3,000, T.S. No. 876 (1929).

³ Rome Convention, 19 J. Air L. & Com. 447 (1952).

⁴ Draft Convention on Aerial Collisions, ICAO Doc. 8444, LC/151 at 19 (1964).

⁵ Whether because of uniformity with air law or not, it is important to note that the draft conventions introduced in the U.N. Committee indicate that absolute liability will be the basis for a convention on liability for damage caused by objects launched into outer space. See U.N. Doc. No. A/AC.105/29, Annex IV (1965).

liability would also be possible. Furthermore, large majorities within each group favored the adoption of a system based on absolute liability. But only the U.N. Committee members group had no dissenters. The main reason given for favoring this basis for liability was the difficulty of proving fault under any other system. The survey indicates a clear trend toward absolute liability.

The Warsaw,⁶ Rome,⁷ and Draft Aerial Collisions⁸ Conventions limit the amount of damages which can be recovered. Should a convention on liability for damage caused by objects launched into outer space also include a limitation on the extent of liability? The majority of the space power participants opposed a limitation. A large minority would establish very high limits on the amount of damages which could be recovered. The non-space power participants favored a limitation rather strongly. The U.N. Committee members were evenly divided and the non-members favored a limitation. The results of the survey seem to indicate that no trend is in sight. It may be significant, however, that all participants agreed that a limitation would be difficult to fix.

Although the question of recourse action is much debated in the field of air law,⁹ it aroused little interest among the participants of the survey. The problem of recourse actions can be illustrated as follows: Assume that a spacecraft from the United States caused damage in Australia, and that the United States, because of absolute liability, paid the claim for compensation. Assume also that a French spacecraft was actually the original cause of the mishap. Would the United States be able to recover in a recourse action against France? Only a few participants responded to the question about this problem. One participant suggested that the difficulty of determining fault would make it difficult to maintain recourse actions. Another participant suggested that a recourse action might be brought against the manufacturer of the rocket or spacecraft. But the question of the manufacturer's liability was beyond the intended scope of the survey. A third participant believed that all actions should be joined and joint liability imposed. This proposal would permit all claims to be settled in one law suit, but it would be difficult to get all states to agree to be sued abroad. A fourth participant recommended that a special organ of arbitration be established to settle recourse actions.

⁶ Warsaw Convention, *op. cit. supra* note 2.

⁷ Rome Convention, *op. cit. supra* note 3.

⁸ Draft Convention on Aerial Collisions, *op. cit. supra* note 4.

⁹ See Larsen, Regulation of Air Traffic Control Liability by International Convention 117, 1965 (thesis, McGill Institute of Air and Space Law).

To insure that claims are expeditiously paid, it may be necessary to insist that states and other operators of rockets and space vehicles either provide insurance or establish a security fund. The survey indicates definite support for the creation of such a system. The establishment of *some* kind of insurance or security system was favored by large majorities within each of the four groups. The participants showed most interest in the system adopted by the Convention on Third Party Liability in the Field of Nuclear Energy.¹⁰ But the interest was not wide enough to indicate a trend in favor of that system. It was also suggested that a security fund be established within each state to pay the claims of its nationals. The state paying the claim would then have recourse against the state which was actually at fault. A few participants expressed interest in the system used by ELDO and ESRO.¹¹

D. *Rescue and Return of Astronauts Who Have Suffered Accidents in Foreign Air Space*

Although all participants were in favor of permitting intrusion into foreign air space for emergency purposes, only the U.N. Committee members would give unqualified permission. The other groups would permit intrusions for emergency purposes only if proper safety precautions were taken. The U.N. Declaration of Legal Principles shows basic agreement on permitting intrusion for emergency purposes.¹² The members of the U.N. Committee, however, have not yet been able to agree on the terms of a draft convention stating how to provide assistance to and return of astronauts and space vehicles.¹³ Providing proper safety precautions is a problem which must yet be solved. Although all participants favored a convention on assistance and return, they did not propose any new terms for a possible agreement. They tended merely to express support for national proposals to the U.N. Committee. Their failure to offer new suggestions indicates that progressive thinking on the problem tends to be concentrated in the U.N. Committee. While fairly wide experience with problems of liability in aviation exists giving lawyers a background to express

¹⁰ Convention on Third Party Liability in the Field of Nuclear Energy, 27 J. Air L. & Com. 375 (1960). Article 13 of this convention requires the operator to have insurance or other financial security up to the limit of his liability which is regulated by the convention.

¹¹ European Space-Vehicle Launcher Development Organization (ELDO) came into being on Feb. 29, 1964. It works closely with the European Space Research Organization (ESRO) which came into being on March 20, 1964.

¹² U.N. Res. No. 1962, *op. cit. supra* note 1.

¹³ U.N. Doc. No. A/AC.105/29, *op. cit. supra* note 5 at 2.

opinions about a system of liability for space law, the problem of aid to astronauts is a fairly untried subject. One non-U.N. Committee member very usefully pointed for guidance to the Chicago Convention's Article 25, regarding aircraft in distress and its annex on search and rescue.¹⁴

CONCLUSION

This survey shows decreasing preoccupation with a limit between air space and outer space which may not be news to the knowledgeable space lawyer. But indication of a trend in favor of a new general treaty establishing a space agency may surprise some. Uniform support for a system of absolute liability for damage caused by objects launched into outer space may be of less interest than the lack of a corresponding clear trend toward a limitation on liability and the strong trend toward a system of insurance or security.

This sample of space law opinion does not direct attention toward the known strengths of space law. Rather it reveals the unsuspected weaknesses and points to the need for consistent, complete and deep thinking to connect the special areas within space law.

APPENDIX

THE QUESTIONNAIRE

I. Delimitation of Air Space

Question One: Do you believe that a delimitation of air space is a priority matter, necessary for legal regulation of rockets and space vehicles in air space?

A. Space Power versus Non-space Power Participants

1. Space Powers

For: 4

Against: 4

Comment: Four favored delimitation, but only two believed that it was a matter of priority. The other half of this group opposed delimitation. The participants who favored delimitation consisted mostly of authorities who expressed their opinions early in the history of space law.

2. Non-space Powers

For: 0

Against: 12

Comment: Absolute majority in favor of no delimitation.

¹⁴ Chicago Convention, 61 Stat. 1180 (1944), Annex 12, Search and Rescue.

B. U.N. Committee Members versus Non-members

1. U.N. Committee Members

For: 0

Against: 4

Comment: Absolute majority in favor of no delimitation.

2. Non-members

For: 4

Against: 12

Comment: Large majority favored no delimitation. Participants favoring delimitation tended to belong to those space scholars who early expressed such an opinion.

Question Two: If so, in what terms should such a limit be described?

A. Space Powers versus Non-space Powers. Participants' Proposals.

1. Space Powers

a. delimitation based on upper limit of airborne flight

b. 25 mile zone below a contiguous zone of another 50 miles

c. arbitrary limit

Comment: Two participants supported the first alternative. The others were proposed by one individual each.

2. Non-space Powers

a. airspace is troposphere plus stratosphere; outer space is everything above that

b. arbitrary limit

Comment: Inconclusive, since only these two alternatives were proposed.

B. U.N. Committee Members versus Non-members

1. U.N. Committee Members

Comment: No opinions about altitude were expressed, since no one favored a limitation.

2. Non-members

Comment: All the alternatives above, under A, were expressed.

II. International Regulation

Question One: Do you believe that international regulation of rockets and spacecraft is urgent, or will national legislation made uniform through conventions suffice?

A. Space Power versus Non-space Power Participants

1. Space Powers

For: 8

Against: 0

2. Non-space Powers universally favored international regulation.
Comment: Absolute majority in favor of international regulation as a matter of policy. Opinions expressed greatest degree of urgency in the Non-space Power group.

B. U.N. Committee Members versus Non-members

1. U.N. Committee Members

For: 4

Against: 0

2. Non-members

For: 18

Against: 0

Comment: International regulation was universally favored. Varying degrees of urgency were expressed.

Question Two: For the purposes of international regulation, what definition of rockets and spacecraft would you propose?

A. Space Powers versus Non-space Powers. Participants' Proposals.

1. Space Powers

- a. vehicles which do not rely on aerodynamic lift

- b. define aircraft and characterize rockets and spacecraft as "other flight instrumentalities"

2. Non-space Powers

- a. technical definition recommended

- b. definition should be postponed until further technical development occurs

- c. anything which is not aircraft and which is suitable for flight into outer space

- d. a craft which is capable of use in outer space

B. U.N. Committee Members versus Non-members. Participants' Proposals.

1. U.N. Committee Members

- a. a vehicle which is designed for travel into outer space and which does not depend on aerodynamic lift

2. Non-members

Comment: Expressed all the alternatives listed above.

Overall Comment: All the participants who expressed definitions tended to include the following elements: *A vehicle which is designed for travel into outer space and which is not essentially dependent on aerodynamic lift.* This definition would not exclude vehicles which incidentally use aerodynamic lift in take-off or landing.

Question Three: If international regulation is necessary, which alternative would be most satisfactory: (1) Presently develop-

ing customary law, (2) An extension of present air law conventions to rockets and spacecraft, thereby bringing them under ICAO's jurisdiction, (3) A special treaty giving the United Nations regulatory powers, (4) Other?

A. Space Powers versus Non-space Powers. Participants' Proposals.

1. Space Powers

- a. new convention establishing a space agency related to the United Nations
- b. treaties now being developed by the U.N. Committee
- c. extension of air law conventions to spacecraft and rockets in air space

Comment: All but two favored the first alternative.

2. Non-space Powers

- a. new convention establishing a space agency related to the United Nations
- b. national laws made uniform

Comment: All but one favored the first alternative.

B. U.N. Committee Members versus Non-members. Participants' Proposals.

1. U.N. Committee Members

Comment: All members of this group favored a new convention establishing a space agency related to the United Nations.

2. Non-members

Comment: Expression of all the alternatives listed above. Large majority favored a new convention establishing a space agency related to the United Nations.

Question Four: If international regulation is preferable, what exceptions would you make for military rockets and space vehicles?

A. Space Powers versus Non-space Powers. Participants' Proposals.

1. Space Powers

- a. exclusion of military rockets and space vehicles from sovereign air space
- b. exclusion from outer space
- c. none—not possible to distinguish military space vehicles from non-military vehicles

Comment: Majority favored no exception for the reason that no sharp distinction between military and non-military is possible.

2. Non-space Powers

- a. exclusion from outer space
- b. no exception

Comment: The large majority of this group came to the same conclusion as did the space power group.

B. U.N. Committee Members versus Non-members. Participants' Proposals.

1. U.N. Committee Members

- a. exclusion from outer space
- b. no exception

Comment: All found it impossible to distinguish between military and non-military vehicles in spite of the goal stated in Resolution No. 1962 which reserves outer space for peaceful purposes.

2. Non-members

Comment: They listed all the alternatives expressed above. A large majority would make no exceptions, believing that a sharp distinction between military and non-military vehicles is impossible.

Question Five: Should international regulation provide for "innocent passage" by foreign rockets and space vehicles through air space during take-off, landing, emergency, or other occasions?

A. Space Power versus Non-space Power Participants

1. Space Powers

Comment: Unanimous "Yes," but with proper safeguards for protection of sovereign rights and for flight safety.

2. Non-space Powers

Comment: Unanimous "Yes," but with proper safeguards for protection of sovereign rights and for flight safety. The description of "innocent passage" as well as the sense of urgency of this issue varied among the members of this group.

B. U.N. Committee Members versus Non-Members

Comment: Both groups agreed that a right of innocent passage for foreign rockets and spacecraft should be established, but with proper protection of sovereign rights and flight safety. Among the non-member group the description of "innocent passage" as well as the sense of urgency of this issue varied.

III. International Legal Regime Governing Liability for Damage Caused by Rockets and Spacecraft

Question One: Do you believe that a distinction should be made between liability for damage resulting from events in air space and events in outer space?

A. Space Powers versus Non-space Power Participants

1. Space Powers

For: 1

Against: 4

Comment: Majority favored no distinction. One believed that the Rome Convention regarding damage to the surface caused by aircraft should be extended to damage caused by rockets and space vehicles in airspace and on the surface.

2. Non-space Powers

For: 3

Against: 6

Comment: Overwhelming majority of this group favored no such distinction.

B. U.N. Committee Members versus Non-members

1. U.N. Committee Members

For: 1

Against: 3

Comment: This group tended to disfavor a distinction between liability for events in outer space and below.

2. Non-members

For: 3

Against: 7

Comment: Large majority favored no such distinction.

Overall comment: Space lawyers who early expressed opinions tended to favor this distinction.

Question Two: To what extent should liability systems be made uniform with present air law conventions?

A. Space Powers versus Non-space Powers. Participants' Proposals.

1. Space Powers

- a. use Rome Convention on surface damage by aircraft as a guide for a new convention. Recommend as much uniformity with air law conventions as possible.
- b. no need for uniformity

Comment: Large majority wanted as much uniformity with existing air law conventions as possible. Particularly the Rome Convention on surface damage was thought to be in point. One objecting voice expressed that there was no need for uniformity under a functional approach.

2. Non-space Powers

- a. uniformity merely for the sake of uniformity must be avoided
- b. use Rome Convention on surface damage by aircraft as guide for new liability convention

Comment: Majority preferred the first alternative.

B. U.N. Committee Members versus Non-members. Participants' Proposals.

1. U.N. Committee Members

Comment: All members of this group found no need for uniformity with air law conventions on liability.

2. Non-members

a. avoid uniformity merely for the sake of uniformity

b. use air law conventions as guides

Comment: Large majority of this group favored use of present air law conventions as guides in establishing a new liability convention. Particularly the Rome Convention was mentioned as appropriate because of its system of absolute liability.

Question Three: Should liability be based on tort (delict)?

A. Space Power versus Non-space Power Participants

1. Space Powers

For: 6

Against: 0

Comment: All stated that tort liability (*i.e.*, fault or presumed or absolute liability) should be the basis for liability.

2. Non-space Powers

For: 8

Against: 0

Comment: All stated that tort liability should be the basis for liability although two believed that contract could possibly also be used as a basis for liability.

B. U.N. Committee Members versus Non-members

1. U.N. Committee Members

For: 4

Against: 0

Comment: All favored liability based on tort.

2. Non-members

For: 10

Against: 0

Comment: All those participating stated that tort liability should be the basis for liability, although two members of this group believed that a contract basis might also be possible.

Question Four: If tort liability is preferable, should it be based on (1) Fault, (2) Presumed liability (as in the Warsaw Convention), (3) Absolute liability (as in the Rome Convention)? What reasoning leads you to this decision?

A. Space Powers versus Non-space Powers. Participants' Proposals.

1. Space Powers

- a. fault liability
- b. absolute liability

Comment: All but one favored the second alternative, the main reason being the difficulty of proving fault.

2. Non-space Powers

- a. fault
- b. absolute liability

Comment: All but one favored the second alternative, the main reason being the difficulty of proving fault.

B. U.N. Committee Members versus Non-members. Participants' Proposals.

1. U.N. Committee Members

Comment: All favored absolute liability because of the difficulty of proving fault.

2. Non-members

- a. fault
- b. absolute liability

Comment: All but two favored absolute liability, the reason being the difficulty of proving fault.

Question Five: Should there be a limitation on damages?

A. Space Power versus Non-space Power Participants

1. Space Powers

For: 3

Against: 4

Comment: Majority favored unlimited damages because of difficulty of estimating damages. Minority favored very high limits.

2. Non-space Powers

For: 7

Against: 3

Comment: Majority favored limitation on damages but agreed that it would be difficult to fix limits.

B. U.N. Committee Members versus Non-Members

1. U.N. Committee Members

For: 2

Against: 2

Comment: This group was evenly divided. Both sides agreed that it would be difficult to fix limits.

2. Non-members

For: 8

Against: 5

Comment: Majority favored limitation but strong minority opposed it.

Question Six: Have you any suggestions for recourse actions when several parties are involved?

Comment: Few opinions were expressed but some individual suggestions were:

- a. in regard to events in outer space the difficulty of proving who is at fault would make it difficult to make any rules for recourse actions
- b. there should be recourse against manufacturers of space vehicles
- c. joinder of all actions and joint liability
- d. special organ of arbitration should be created to take care of recourse actions

Question Seven: Is security or insurance for liability (as in the Rome Convention) desirable?

A. Space Power versus Non-space Power Participants

1. Space Powers

For: 5

Against: 1

Comment: All but one favored some kind of security or insurance system. One specific proposal was to set up a guaranty fund within each state which should pay claims by nationals. The state should then have recourse against the state which is at fault.

2. Non-space Powers

For: 7

Against: 2

Comment: Large majority favored some kind of security or insurance system. The system adopted by the Convention on Third Party Liability in the Field of Nuclear Energy appealed to several participants.

B. U.N. Committee Members versus Non-members

1. U.N. Committee Members

For: 3

Against: 1

Comment: Large majority favored some kind of security or insurance system. Members of this group favored the system used in the Convention on Third Party Liability in the Field of Nuclear Energy and the system used by ELDO and ESRO.

2. Non-members

For: 9

Against: 2

Comment: All but two favored some kind of security or insurance system. Participants made the same suggestions as listed above, with the exception of reference to ELDO and ESRO. Most support in this group was for a system like the one used in the Convention on Third Party Liability in the Field of Nuclear Energy.

Question Eight: What kinds of damages should be made compensable?

Comment: No distinction between the groups existed. All participants would provide compensation for all personal or property damages. One participant would specifically include damage caused by telecommunication satellites. Two specified that damages should be compensable according to legal principles of claimant's state, because states have varying rules on remoteness of claims.

IV. Rescue and Return of Astronauts who have Suffered Accidents in Foreign Air Space

Question One: Should intrusion into foreign air space for emergency purposes be permitted?

A. Space Power versus Non-space Power Participants

1. Space Powers

Comment: All were in favor. Some specified on the condition of necessary measures for safety.

2. Non-space Powers

Comment: Same response as space powers. All were in favor, some specified on the condition of necessary measures for safety.

B. U.N. Committee members versus Non-members

Comment: All U.N. Committee Members favored such permission as a matter of course. Some non-members would be less generous and specify condition of necessary measures for safety.

Question Two: What specific provisions for the benefit of astronauts do you favor?

A. Space Power versus Non-space Power Participants

1. Space Powers

Comment: All favored a convention on assistance to and return of astronauts and space vehicles. Some members of this group expressed support for proposals of their national delegations to the U.N. Committee.

2. Non-space Powers

Comment: All favored a convention on assistance to and return of astronauts and space vehicles. One participant suggested Art. 25 of the Chicago Convention (provision for assistance to aircraft in distress, further specified in Annex 12, Search and Rescue) for analogy. Support for national proposals to the U.N. Committee also existed in this group.

B. U.N. Committee members versus Non-Members

Comment: All favored a convention on assistance to and return of astronauts and space vehicles. One non-member favored analogy to Art. 25 of the Chicago Convention. Otherwise, members of these two groups tended to refer to stands taken by their national delegations to the U.N. Committee.